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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all other similarly
 situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

CASE NO.: 4:20-cv-03664-YGR

**DECLARATION OF MONIQUE
 TRUJILLO IN SUPPORT OF
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

Judge: Hon. Yvonne Gonzalez Rogers
 Date: September 20, 2022
 Time: 2:00 p.m.
 Location: Courtroom 1 – 4th Floor

DECLARATION OF MONIQUE TRUJILLO

Pursuant to 28 U.S.C. § 1746, I, Monique Trujillo, hereby declare as follows:

1. My name is Monique Trujillo. I am over eighteen years of age and am competent to testify to and have personal knowledge of the facts set forth herein.

2. I am a plaintiff in this lawsuit against Google, Inc. (“Google”). I started using Chrome in 2008 and began using Incognito in around 2016. Monique Trujillo Depo. Tr., Mao Decl. Ex. 91, 114:8–119:2. I started using Incognito because I had concerns that Google and other tech companies were tracking me. *Id.* at 117:24–118:8.

3. I opened my Google account in about 2008 and agreed to Google’s Terms of Service and Privacy Policy that were in effect at that time. *Id.* at 150:25–151:10, 152:1–7, 159:19–160:11. I reviewed subsequent Terms of Service and Privacy Policies. *Id.* at 36:18–38:3, 119:3–10, 122:21–123:7. In my review of those documents and other disclosures (like Google’s “Search and Browse Privately” page), Google promised that I was in control over the information that was shared and not shared with Google. *Id.* at 65:24–66:11, 119:3–10, 146:5–19, 166:7–19, 193:6–194:5. One of the ways I could control that was Chrome’s Incognito mode and other private browsing modes for other browsers because Google promised not to collect my private browsing activity. *Id.* at 194:9–196:17, 277:20–278:2. For example, Google states “We understand this is a big responsibility and work hard to protect your info and put you in control.” *Id.* at 203:5–14.

4. The Incognito splash screen emphasized this control over what Google did and did not collect. *Id.* at 146:5–19, 149:1–13, 149:14–150:4. Google promised that I was always in control, whether it was a non-Google or Google-owned website, because it said I can browse privately. *Id.* at 216:17–217:4, 216:17–217:4. The Incognito splash screen listed who might still see my activity, but Google was never mentioned in that list. *Id.* at 280:23–281:23, 287:19–288:11, 289:15–290:4.

5. I joined this case after reading about it in the news and it clicked for me that targeted ads were still being served while in private browsing mode. *Id.* at 277:3–8. My

1 understanding is that this class action is on behalf of two nationwide classes of individuals. The
 2 first nationwide class is:

3 Class 1 – All Chrome browser users with a Google account who accessed a non-Google
 4 website containing Google tracking or advertising code using a browser and who were
 5 (a) in “Incognito mode” on that browser and (b) were not logged into their Google
 6 account on that browser, but whose communications, including identifying information
 and online browsing history, Google nevertheless intercepted, received, or collected from
 June 1, 2016 through the present.

7 6. The second nationwide class is:

8 Class 2 – All Safari, Edge, and Internet Explorer users with a Google account who
 9 accessed a non-Google website containing Google tracking or advertising code using any
 10 such browser and who were (a) in “private browsing mode” on that browser, and (b) were
 11 not logged into their Google account on that browser, but whose communications,
 including identifying information and online browsing history, Google nevertheless
 intercepted, received, or collected from June 1, 2016 through the present.

12 7. I also understand that the case has been brought as a class action on behalf of one
 13 sub-class of California residents.

14 8. I understand the Court has found a form contract exists composed of Google’s
 15 Terms of Service, Privacy Policy, Chrome and Chrome OS Additional Terms of Service, Chrome
 16 Privacy Notice, Incognito splash screen, the “Search and Browse Privately” page. Dkt. 363 at
 17 13–23.

18 9. As a class representative, I understand I have a duty to protect the interests of the
 19 classes. I will protect the best interests of the members of the classes and will work with my
 20 attorneys to obtain success on behalf of those classes.

21 10. I know of no facts that would limit my ability to adequately represent the interest
 22 of other members of the classes, or that my interests conflict in any way with the interests of the
 23 classes.

24 11. I understand that I am a member of Class 1 because I browsed non-Google
 25 websites using Chrome’s Incognito mode. I was not logged into my Google account on the
 26 browser when I did that. I now know that Google collects, stores, and uses my private browsing
 27 activity, but I never did and still do not consent to Google collecting, storing, and using this
 28 information against my wishes. *Id.* at 118:9–21, 199:3–10, 223:2–8, 225:16–226:4, 226:6–14,

1 230:10–17.

2 12. I also understand that I am a member of Class 2 because I browsed non-Google
3 websites using Safari’s private browsing mode. I was not logged into my Google account on the
4 browser when I did that. I now know that Google collects, stores, and uses my private browsing
5 activity, but I never did and still do not consent to Google collecting, storing, and using this
6 information against my wishes. *Id.* at 260:23–263:14.

7 13. I also understand that I am a member of the California sub-class because I am a
8 California resident and used a private browsing mode as described above.

9 14. I have been and continue to be willing to do what is necessary to protect the
10 interests of the members of the classes. I have retained lawyers who have experience in class
11 action litigation. I have discussed this case with my lawyers on numerous occasions, reviewing
12 pleadings before they were filed. I provided deposition testimony for this case on February 11,
13 2022, and have responded to numerous written discovery requests from Google. *Id.* at 181:12–
14 183:17, 255:8–257:25. I also allowed Google to pull information from my account that is
15 sensitive and confidential to me, like my Google subscriber information. *Id.* at 152:10–154:11.
16 I also assisted with gathering information from my devices (with the help of my lawyers and
17 experts) to submit to Google to help understanding how Google’s tracking works. *Id.* at 278:12–
18 280:6.

19 15. I am familiar with the claims that have been asserted in the case and have
20 remained apprised of the strategy employed in this litigation. I am committed to staying up to
21 date on any additional developments in this case by continuing to confer with my attorneys on a
22 regular basis.

23 16. I am aware that there are expenses involved in representing classes, and have
24 arranged with my attorneys that the expenses will be paid by my attorneys and that they will
25 seek reimbursement of these expenses if a recovery is obtained.

1 17. I will appear at trial for this case.

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Executed on June 20, 2022.

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6 MONIQUE TRUJILLO
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